

ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

LAW OFFICES OF ANDRÉ S. WOOTEN  
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APR 5 2007  
at 12 o'clock and min.  
SUE BEITIA, CLERK

Attorney for Plaintiff  
ROBERT SHEREZ

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF Hawai'i

ROBERT SHEREZ,	)	CIVIL NO.	04-00390 JMS-KSC
	)		
Plaintiff,	)	PLAINTIFF'S SPECIAL VERDICT FORM	
	)		
vs.	)		
	)		
STATE OF HAWAII DEPARTMENT OF	)		
EDUCATION; PATRICIA HAMAMOTO,	)		
Superintendent of Hawaii	)		
Schools, MEREDETH MAEDA,	)	Date of Hearing:	March 22,
Principal, Castle High School;	)		2007
SARA GRONNER OR GRONNA, Vice	)	Time:	9:00 AM
Principal of Castle High	)	Judge:	Hon. J. Michael
School.	)		Seabright
Defendants.	)		
	)		
	)		
	)	Trial Date:	March 28, 2007
	)		CERTIFICATE OF SERVICE

**PLAINTIFF'S SPECIAL VERDICT FORM**

Comes Now the Plaintiff, ROBERT SHEREZ, by and through his attorney, Andre' Wooten, hereby files this Plaintiff's Special Verdict form for the trial of this case.

**VERDICT INTERROGATORY NO. 1**

Do you find, more likely than not, that ROBERT SHEREZ was discriminated against on the basis of his male gender in assignments of tutoring and part-time teaching jobs at Castle High School?

\*Print "Yes" or "No" according to your findings.

\_\_\_\_\_ Yes \_\_\_\_\_ No

Each Juror Must Sign Below:

_____	_____
_____	_____
_____	_____
_____	_____

**VERDICT INTERROGATORY NO. 2**

Do you find, more likely than not, that ROBERT SHEREZ was discriminated on the basis of his male gender in assignments of tutoring and part-time teaching jobs at Castle High School, by Sarah Gronna?

\*Print "Yes" or "No" according to your findings.

\_\_\_\_\_ Yes \_\_\_\_\_ No

Each Juror Must Sign Below:

_____	_____
_____	_____
_____	_____
_____	_____

**VERDICT INTERROGATORY NO. 3**

Do you find, more likely than not, that Defendant Meredith Maeda was deliberately indifferent to the discrimination ROBERT SHEREZ complained of at Castle High School? because he filed a charge with the EEOC or because he opposed or protested gender discrimination by Castle High School staff and or the D.O.E.?

\*Print "Yes" or "No" according to your findings.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Each Juror Must Sign Below:

_____	_____
_____	_____
_____	_____
_____	_____

**VERDICT INTERROGATORY NO. 4**

Did the State of Hawaii Department of Education  
Retaliate against Robert Sherez after he complained of gender  
discrimination to D.O.E. administrators or after he filed a  
charge of discrimination with the Hawaii Civil Rights Commission?

\*Print "Yes" or "No" according to your findings.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Each Juror Must Sign Below:

_____	_____
_____	_____
_____	_____
_____	_____

**VERDICT INTERROGATORY NO. 5**

If your Answer to Verdict Interrogatory No. 1, 2, 3, 4 or 5 is Yes, calculate ROBERT SHEREZ lost wages, including lost raises, and fringe benefits, together with interest, to the date of this Verdict.

Amount \$ \_\_\_\_\_.

Each Juror Must Sign Below:

_____	_____
_____	_____
_____	_____
_____	_____

**VERDICT INTERROGATORY NO. 6**

If you calculated Mr. SHEREZ lost wages and benefits in Answer to Verdict Interrogatory No. 1, 2, 3, or 4, then answer this Interrogatory. Did the Defendant prove that Mr. SHEREZ unreasonably rejected offers of like-kind employment made to him or failed to exercise reasonable care in seeking like-kind employment actually available to him?

\*Print "Yes" or "No" according to your findings.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Each Juror Must Sign Below:

_____	_____
_____	_____
_____	_____
_____	_____

**VERDICT INTERROGATORY NO. 7**

If you Answered Yes to Verdict Interrogatory No. 6,  
then answer this Interrogatory.

Calculate the amount of wage Defendant proved that Mr.  
SHEREZ would have earned from the other like-kind job or jobs he  
did not seek or accept.

Amount \$ \_\_\_\_\_.

Each Juror Must Sign Below:

_____	_____
_____	_____
_____	_____
_____	_____



**VERDICT INTERROGATORY NO. 8**

If your Answer to Verdict Interrogatory No. 1, 2, 3 or 4 is Yes, calculate Mr. SHEREZ damages in an amount that will fairly and justly compensate them for losses sustained as a result of his having complained about gender discrimination in his employment as a Home Hospital Tutor at Castle High School, and the Windward and Honolulu Districts of the D.O. E and for denial of employment at the McKinley School for Adults and all other Oahu D.O.E. Schools for Adults. .

In determining these damages, you should also consider any expenses (out of pocket items), mental pain and suffering, fright, nervousness, indignity, humiliation, damage to professional reputation, embarrassment and insult to which Mr. SHEREZ is found by you to have been subjected and which was a result of the Defendant's conduct as it relates to the issue of economic deprivation and retaliation for having lodged a complaint about gender discrimination in employment within the Hawaii Department of Education, retaliation (if you have answered Yes to Verdict Interrogatory No. 3).

Amount for Mr. Sherez' suffering, humiliation,  
embarrassment: \$ \_\_\_\_\_;

Each Juror Must Sign Below:

\_\_\_\_\_  
\_\_\_\_\_

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**VERDICT INTERROGATORY NO. 9**

Determine the amount of Mr. Sherez's front pay to put him in the same position he would have occupied had he continued to be employed by the Department of Education as a part-time teacher in a variety of schools at the same rate as his 2001 and 2002 compensation. Be sure to include any raises he would most likely receive and enter the total amount below.

Amount \$\_\_\_\_\_.\_\_ per year.

Each Juror Must Sign Below:

_____	_____
_____	_____
_____	_____
_____	_____

**VERDICT INTERROGATORY NO. 10**

If your Answer to Verdict Interrogatory Nos. 1, 2, 3 or 4 any or all of them, is Yes, answer this Interrogatory.

Did Defendants Maeda, or Gronna discriminate or retaliate with intent or malice or in reckless indifference to the rights of Mr. Sherez to be free from such discrimination in employment?

If so, calculate an additional amount of damages to punish Maeda or Gronna and to deter Those Defendants and other State of Hawaii Department of Education employees, and by example, other employers from future wrongdoing.

Maeda Amount \$ \_\_\_\_\_ . \_\_\_\_

Gronna Amount \$ \_\_\_\_\_ . \_\_\_\_

Each Juror Must Sign Below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VERDICT INTERROGATORY NO. 11**

If you have entered amounts in Answer to Verdict Interrogatory Nos. 7, 8 9 10, or any or all of them, answer this Interrogatory.

Has defendant State of Hawaii Department of Education proven, more likely than not, that it had less than 501 employees in at least 33 weeks in each of 1992, 1993, 1995 and 1996? If not, check the "501 or more employees" box on the verdict form next to each of the years so proven by defendant.

501 or more employees \_\_\_\_\_ \* 1999

501 or more employees \_\_\_\_\_ \* 2000

501 or more employees \_\_\_\_\_ \* 2002

\*Print "Yes" or "No" according to your findings.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Each Juror Must Sign Below:

_____	_____
_____	_____
_____	_____
_____	_____

**VERDICT INTERROGATORY NO. 12**

Has Plaintiff proved, more likely than not, that Defendant Gronna aided and abetting acts of discrimination against Plaintiff for employment at Castle High School?

\*Print "Yes" or "No" according to your findings.

\_\_\_\_\_ Yes \_\_\_\_\_ No

\*Print "Yes" or "No" according to your findings.

Each Juror Must Sign Below:

_____	_____
_____	_____
_____	_____
_____	_____

**VERDICT INTERROGATORY NO. 13**

Has Plaintiff proved, more likely than not, that Defendant Maeda aided and abetting acts of discrimination against Plaintiff for employment at Castle High School?

\*Print "Yes" or "No" according to your findings.

\_\_\_\_\_ Yes \_\_\_\_\_ No

Each Juror Must Sign Below:

_____	_____
_____	_____
_____	_____
_____	_____

**VERDICT INTERROGATORY NO. 14**

Has the Plaintiff proved, more likely than not, that the Defendant's pre-text, that Defendants fairly rotated the Home and Hospital tutor jobs, is false under the circumstances, and gender discrimination and or retaliation was a "motivating" factor in Plaintiff's not being hired after protesting gender discrimination?

\*Print "Yes" or "No" according to your findings.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Each Juror Must Sign Below:

_____	_____
_____	_____
_____	_____
_____	_____



**VERDICT INTERROGATORY NO. 15**

Has Defendant proved by a preponderance of the evidence that the claimant unreasonably failed to take advantage of corrective or preventive opportunities provided?

\*Print "Yes" or "No" according to your findings.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Each Juror Must Sign Below:

_____	_____
_____	_____
_____	_____
_____	_____